



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,429	10/19/2001	Andrew J. Zipprich	D/A1588	4610

27885 7590 08/09/2006

FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP  
1100 SUPERIOR AVENUE, SEVENTH FLOOR  
CLEVELAND, OH 44114

EXAMINER

MILIA, MARK R

ART UNIT PAPER NUMBER

2625

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/042,429

Applicant(s)

ZIPPRICH ET AL.

Examiner

Mark R. Milia

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2006 and 18 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                        |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendments received on 5/25/06 and 7/18/06 have been entered and made of record. Currently, claims 1-28 are pending.

### *Response to Arguments*

2. Applicant's arguments filed 5/25/06 have been fully considered but they are not persuasive.

The applicant asserts that Starek teaches away from the claimed invention because Starek states that a problem with conventional products is that they rely on user activation of the process. Starek does in fact make this statement in the background of the invention. However, Starek contains a plurality of embodiments and the particular embodiment cited in the previous Office Action does rely on user input (see Fig. 4 and column 6 lines 5-25). Particularly, Starek states that a delete call (initially made by the user) is made, which is interpreted as the "trigger", and Starek further states, "the driver opens a handle to **the file identified in the delete call**" and "the driver overwrites **the file** with a specified overwrite array". The "delete call" is interpreted to be user activated, and therefore being activated according to a user-input value identified for a data file. Further, Starek states that the overwrite array can be

user-defined. Therefore, Starek can still be interpreted as disclosing the first three limitations as set forth in claim 1 and the associated limitations found in independent claims 12, 22, and 25.

Therefore, the rejection of claims 1-28, cited in the previous Office Action, further including the current amendments to the claims, is maintained and repeated in this Office Action.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-5, 7, 10-18, and 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6070174 to Starek et al. in view of U.S. Patent No. 6078924 to Ainsbury et al.

Regarding claim 1, Starek discloses a device comprising: a storage medium supported in a housing (see Figs. 9-1 and column 3 lines 57-61), an erase trigger that effectuates an overwrite of a data file on the storage medium, wherein said overwrite is unique to said data file and is activated according to a user-input value identified for said data file (see Fig. 4 and column 6 lines 5-25 and 57-61), a secure storage medium eraser comprising an overwrite algorithm that erases the data file on the storage medium in response to the erase trigger (see Fig. 4, column 1 lines 50-59, and column

6 lines 5-40) and a memory log for logging overwrite processes (see column 6 lines 26-30).

Starek does not disclose expressly a report generator that can create a report on a status of a triggered erasure in response to predetermined criteria.

Ainsbury discloses a report generator that can create a report on a status of a triggered erasure in response to predetermined criteria (see column 2 lines 41-46, 51-55, and 58-67, column 5 lines 3-7, 21-28, and 43-55, column 6 lines 40-49, and column 14 lines 24-32).

Regarding claim 12, Starek discloses a device comprising: a storage medium supported in a housing (see Figs. 9-1 and column 3 lines 57-61), an erase trigger that effectuates an overwrite of a data file on the storage medium, wherein said overwrite is unique to said data file and is activated according to a user-input value identified for said data file (see Fig. 4 and column 6 lines 5-25 and 57-61), a secure storage medium eraser comprising an overwrite algorithm that erases the data file on the storage medium in response to the erase trigger (see Fig. 4, column 1 lines 50-59, and column 6 lines 5-40), and a memory log for logging overwrite processes (see column 6 lines 26-30).

Starek does not disclose expressly a report generator that can create a report on a status of a triggered erasure in response to predetermined criteria and a report setup interface through which the predetermined criteria can be set.

Ainsbury discloses a report generator that can create a report on a status of a triggered erasure in response to predetermined criteria (see column 2 lines 41-46, 51-

55, and 58-67, column 5 lines 3-7, 21-28, and 43-55, column 6 lines 40-49, and column 14 lines 24-32) and a report setup interface through which the predetermined criteria can be set (see Figs. 1 and 2, column 2 lines 41-46 and 51-67, column 3 lines 3-26, column 5 lines 21-28, column 6 lines 40-49, and Table 3).

Regarding claim 22, Starek discloses a selective secure erase report generation method comprising: overwriting a data file according to a predetermined secure erase method in response to an erase trigger activated by user-input value identified for said data file (see Fig. 4, column 1 lines 50-59, and column 6 lines 5-40) and a memory log for logging overwrite processes (see column 6 lines 26-30).

Starek does not disclose expressly determining whether a report should be generated and generating a report of the status of a triggered erasure when the report should be generated.

Ainsbury discloses determining whether a report should be generated, and generating a report of the status of a triggered erasure when the report should be generated (see column 2 lines 41-46, 51-55, and 58-67, column 5 lines 3-7, 21-28, and 43-55, column 6 lines 40-49, and column 14 lines 24-32).

Regarding claim 25, Starek discloses an apparatus including: a storage medium supported in a housing (see Figs. 9-1 and column 3 lines 57-61), an erase trigger that effectuates an overwrite of a data file on the storage medium, wherein said overwrite is unique to said data file and is activated according to a user-input value identified for said data file (see Fig. 4 and column 6 lines 5-25 and 57-61), and a secure storage medium eraser comprising an overwrite algorithm that erases the data file on the

storage medium in response to the erase trigger (see Fig. 4, column 1 lines 50-59, and column 6 lines 5-40).

Starek does not disclose expressly a report generator that creates a report on a status of a triggered erasure in response to predetermined criteria including at least one of an indication that a report is to be generated, a type of report to generate, and a destination for the report; and a report setup interface through which the predetermined criteria can be set; the apparatus performing a selective secure erase report generation method comprising: checking to see whether a report is to be generated, when a report is to be generated: checking a type of report to generate, checking a destination for the report; and generating the report at the destination.

Ainsbury discloses a report generator that creates a report on a status of a triggered erasure in response to predetermined criteria including at least one of an indication that a report is to be generated, a type of report to generate, and a destination for the report (see column 2 lines 41-46, 51-55, and 58-67, column 5 lines 3-7, 21-28, and 43-55, column 6 lines 40-49, and column 14 lines 24-32) and a report setup interface through which the predetermined criteria can be set (see Figs. 1 and 2, column 2 lines 41-46 and 51-67, column 3 lines 3-26, column 5 lines 21-28, column 6 lines 40-49, and Table 3) the apparatus performing a selective secure erase report generation method comprising: checking to see whether a report is to be generated, when a report is to be generated: checking a type of report to generate, checking a destination for the report, and generating the report at the destination (see Tables 1-3, column 2 line 41-

Art Unit: 2625

column 3 line 38, column 14 lines 24-32, column 15 lines 11-14, and column 21 lines 3-19).

Starek & Ainsbury are combinable because they are from the same field of endeavor, manipulation and storage of data.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the report generating, as described by Ainsbury, and which is well known in the art, with the system of Starek.

The suggestion/motivation for doing so would have been to decrease time spent deleting and overwriting data and searching, collecting, and analyzing reports and therefore increase process efficiency.

Therefore, it would have been obvious to combine Ainsbury with Starek to obtain the invention as specified in claims 1, 12, 22, and 25.

Regarding claim 2, Starek and Ainsbury disclose the system discussed in claim 1, and Ainsbury further discloses wherein the report created by the report generator is printed on a substrate (see Table 3 and column 45 lines 51-53).

Regarding claim 3, Starek and Ainsbury disclose the system discussed in claim 2, and Ainsbury further discloses printing a report to a printing device (see Table 3 and column 45 lines 51-63, it would have been obvious to one of ordinary skill in the art to have the storage medium housed by the printing device).

Regarding claim 4, Starek and Ainsbury disclose the system discussed in claim 1, and Ainsbury further discloses a printing device in communication with a report



generator (see Table 3 and column 45 lines 51-63, it would have been obvious to one of ordinary skill in the art to have the printing device in communication with the storage medium).

Regarding claim 5, Starek and Ainsbury disclose the system discussed in claim 1, and Ainsbury further discloses wherein the report created by the report generator is an e-mail message (see column 15 lines 11-14).

Regarding claim 7, Starek and Ainsbury disclose the system discussed in claim 5, and Ainsbury further discloses wherein the erase trigger is set by a user and the email message is sent to the user setting the erase trigger (see column 15 lines 11-14).

Regarding claim 10, Starek and Ainsbury disclose the system discussed in claim 1, and Ainsbury further discloses wherein the predetermined criteria include at least one of an indication of whether a report should be created, a type of report to be generated, and a destination of the report (see column 2 lines 41-46 and 51-67, column 3 lines 3-26, column 5 lines 21-28, column 6 lines 40-49, and Table 3).

Regarding claim 11, Starek and Ainsbury disclose the system discussed in claim 1, and Ainsbury further discloses wherein the predetermined criteria can be set via a report setup interface (see column 3 lines 3-26 and column 5 lines 21-28).

Regarding claim 13, Starek and Ainsbury disclose the system discussed in claim 12, and Ainsbury further discloses at least one graphical user interface (GUI) element of the report setup interface with which a user can set parameters of the predetermined criteria with which the report generator can create a report (see Figs. 1 and 2, column 2

lines 41-46 and 51-67, column 3 lines 3-26, column 5 lines 21-28, column 6 lines 40-49, column 21 lines 3-19, and Table 3).

Regarding claim 14, Starek and Ainsbury disclose the system discussed in claim 13, and Ainsbury further discloses wherein the at least one GUI element includes a button (see column 3 lines 22-26).

Regarding claim 15, Starek and Ainsbury disclose the system discussed in claim 13, and Ainsbury further discloses wherein the at least one GUI element includes a virtual keyboard with which a user enters a value of a parameter (see Figs. 1 and 2 and column 3 lines 3-26).

Regarding claim 16, Starek and Ainsbury disclose the system discussed in claim 12, and Ainsbury further discloses wherein the report setup interface includes a report element indicative of whether a report should be created (see column 2 line 41-column 3 line 38, column 21 lines 3-19, and Table 3).

Regarding claim 17, Starek and Ainsbury disclose the system discussed in claim 12, and Ainsbury further discloses wherein the report setup interface includes a type element indicative of what type of report should be created (see column 2 line 41-column 3 line 38, column 21 lines 3-19, and Table 3).

Regarding claim 18, Starek and Ainsbury disclose the system discussed in claim 12, and Ainsbury further discloses wherein the report setup interface includes a destination element indicative of where the report should be sent (see Tables 1 and 3, column 14 lines 24-32, and column 15 lines 11-14).

Regarding claim 20, Starek and Ainsbury disclose the system discussed in claim 12, and Ainsbury further discloses an input apparatus and wherein the report setup interface is accessed via the input apparatus (see Figs. 1 and 2).

Regarding claim 21, Starek and Ainsbury disclose the system discussed in claim 12, and Ainsbury further discloses wherein the report setup interface is accessed via driver software on a computer in communication with the device (see Tables 1-3, column 5 lines 3-7 and 43-55, and column 14 lines 24-32).

Regarding claim 23, Starek and Ainsbury disclose the system discussed in claim 22, and Ainsbury further discloses determining a type of report to be generated (see column 2 line 41-column 3 line 38, column 21 lines 3-19, and Table 3).

Regarding claim 24, Starek and Ainsbury disclose the system discussed in claim 22, and Ainsbury further discloses determining a destination for the report (see Tables 1 and 3, column 14 lines 24-32, and column 15 lines 11-14).

Regarding claim 26, Starek and Ainsbury disclose the system discussed in claim 25, and Ainsbury further discloses wherein the report is to be printed on a substrate, the apparatus further performing: checking where the report should be printed, printing the report at the apparatus if the apparatus is the destination, and printing the report on another device when another device is the destination (see column 2 lines 41-46 and 51-67, column 3 lines 3-26, column 5 lines 21-28, column 6 lines 40-49, column 14 lines 24-32, column 15 lines 11-14, and Tables 1 and 3).

Regarding claim 27, Starek and Ainsbury disclose the system discussed in claim 25, and Ainsbury further discloses wherein the report is to be an e-mail message, the

apparatus further performing sending an e-mail message to an e-mail address specified via the report setup interface (see column 15 lines 11-14).

Regarding claim 28, Starek and Ainsbury disclose the system discussed in claim 25, and Starek further discloses wherein the report is to be a log entry and the apparatus further performs writing the entry in a log file specified via the report setup interface (see column 6 lines 26-30).

5. Claims 6, 9, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Starek and Ainsbury as applied to claims 1, 5, and 12 above, and further in view of U.S. Patent No. 6385589 to Trusheim et al.

Regarding claim 6, Starek and Ainsbury do not disclose expressly wherein the e-mail message is sent to a system administrator.

Trusheim discloses wherein the e-mail message is sent to a system administrator (see column 11 lines 13-15).

Regarding claim 9, Starek and Ainsbury do not disclose expressly wherein the report generator is configurable by an administrator only.

Trusheim discloses wherein the report generator is configurable by an administrator only (see column 18 lines 12-15).

Regarding claim 19, Starek and Ainsbury do not disclose expressly wherein the setup interface is accessible by an administrator only.

Trusheim discloses wherein the setup interface is accessible by an administrator only (see column 18 lines 12-15).

Starek, Ainsbury, & Trusheim are combinable because they are from the same field of endeavor, collection, manipulation, and storage of data.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aspect of a system administrator, as described by Trusheim, and which is well known in the art, with the system of Starek and Ainsbury.

The suggestion/motivation for doing so would have been to eliminate possible user errors by limiting the report functions to a system administrator.

Therefore, it would have been obvious to combine Trusheim with Starek and Ainsbury to obtain the invention as specified in claims 6, 9, and 19.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Starek and Ainsbury as applied to claim 1 above, and further in view of U.S. Patent No. 6122446 to Satoh.

Starek and Ainsbury do not disclose expressly wherein the report is a sound.

Satoh discloses wherein the report is a sound (see column 8 lines 2-4).

Starek, Ainsbury, & Satoh are combinable because they are from the same field of endeavor, manipulation and storage of data.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the audible report, as described by Satoh, and which is well known in the art, with the system of Starek and Ainsbury.

The suggestion/motivation for doing so would have been to enable a user to be alerted to a report even if the user is not currently monitoring the system.

Therefore, it would have been obvious to combine Satoh with Starek and Ainsbury to obtain the invention as specified in claim 8.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached at (571) 272-7406. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark R. Milia  
Examiner  
Art Unit 2625

MRM

A handwritten signature in black ink, appearing to read "Joseph R. Pokrzywa". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

JOSEPH R. POKRZYWA  
PRIMARY EXAMINER